

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:19-cv-386-BO

DREAM YACHT AMERICAS, INC.,           )  
and DREAM YACHT CHARTER,           )  
    Plaintiffs,                               )  
v.    )  
  )  
BLACK TRAVEL MOVEMENT,            )  
LLC, and REGINALD E. CUMMINGS,    )  
    Defendants.                            )

ORDER

This matter comes before the Court on the motion of Plaintiffs Dream Yacht Americas, Inc., and Dream Yacht Charter (collectively, “Dream Yacht”), to compel discovery from Defendants Black Travel Movement, LLC (“BTM”) and Reginald E. Cummings, and to suspend case management deadlines. Having reviewed the record, the Court finds that the motion should be granted, and orders as follows:

1. BTM and Mr. Cummings shall make the initial disclosures required by Rule 26(a)(1) of the Federal Rules of Civil Procedure.
2. BTM and Mr. Cummings shall respond to Dream Yacht’s First Set of Interrogatories and First Set of Requests for Production.
3. BTM shall designate a witness pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, and make the witness available for deposition by Dream Yacht.
4. The case management deadlines set by the Court’s prior orders [DE 22, 27] are suspended.

The Court directs the parties to confer and submit a proposed schedule for the remaining case management deadlines, including the close of discovery and the deadline to file dispositive motions.

5. With respect to Dream Yacht's request that the Court award the expenses incurred in connection with the motion to compel discovery, the Court makes a preliminary finding that Dream Yacht is entitled to expenses under Rule 37(a)(5) of the Federal Rules of Civil Procedure. The Court further directs Dream Yacht to submit a notice setting forth the expenses incurred in making the motion, with supporting documentation, within fourteen days of the filing of this order. BTM and Mr. Cummings shall file a response, if any, within fourteen days of the filing of Dream Yacht's notice. The Court shall enter a further order following the receipt of these submissions.

Additionally, on May 28, 2020, the Court granted defendants' attorney's motion to withdraw and ordered defendants to comply with Local Civil Rule 5.2 within 21 days. [DE 31]. Per the Court's order, defendant Reginald Cummings was required to file a notice of self-representation or cause new counsel to file a notice of appearance, and defendant Black Travel Movement, LLC was required to cause new counsel to appear. Neither defendant has complied with the Court's order. As stated in the May 28 order, a party that fails to comply with Local Civil Rule 5.2 may be subject to sanctions, including but not limited to, default.

Accordingly, defendants Cummings and Black Travel Movement, LLC are hereby ORDERED to SHOW CAUSE for their failure to comply with the Court's May 28, 2020 order or cause new counsel to file a notice of appearance not later than July 31, 2020. Failure to respond to this order may result in entry of default judgment against defendants. The Clerk is DIRECTED to serve a copy of this order on defendants at the addresses of record.

SO ORDERED, this 20 day of July, 2020.

  
TERRENCE W. BOYLE  
CHIEF UNITED STATES DISTRICT JUDGE